

116

PATENT
Docket No. 273012012010

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Marian Christopher
Marian Christopher

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

David H. DOLPHIN et al..

Serial No.: 10/651,661

Filing Date: August 29, 2003

For: RADIOMETAL COMPLEXES OF 2
PYRROLYLTHIONES AND THEIR
USE AS RADIOPHARMACEUTICALS
FOR IMAGING AND THERAPY

Examiner: Unassigned

Group Art Unit: 1616

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents were previously submitted in an Information Disclosure Statement and/or Office Action directed to the related application Serial Number 09/839,618 filed 20 April 2001 and issued 2 September 2003 as U.S. Patent No. 6,613,304, and, accordingly, copies are not included

herewith. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

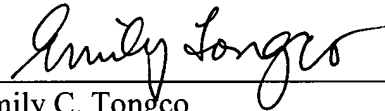
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does

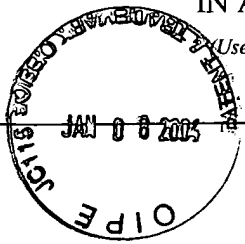
not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 273012012010. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 5, 2004

Respectfully submitted,

By: 
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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION  (Use several sheets if necessary)	Docket Number 273012012010	Application Number 10/651,661
	Applicant David H. DOLPHIN et al.	
	Filing Date August 29, 2003	Group Art Unit 1616
	Mailing Date January <u>5</u> , 2004	

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	1.	Blower et al. <i>J. Nucl. Med.</i> (1990) 31:768.
	2.	Bruckner et al. <i>J. Porphyrins Phtalocyanines</i> (1998) 2:455.
	3.	Bruckner et al. <i>Inorg Chem</i> (2000) 39:6100-6106.
	4.	Bubeck et al., <i>J. Nucl. Med.</i> (1990) 31:1285-1293.
	5.	Chervu et al., <i>J. Nucl. Med.</i> (1984) 25:1111-1115.
	6.	Clezy and Smythe, <i>Aust. J. Chem.</i> (1969) 22:239.
	7.	Dilworth et al., <i>Chemical Society Reviews</i> (1998) 27:42-55.
	8.	Fritzberg et al., <i>J. Nucl. Med.</i> (1986) 27:111-116.
	9.	Gianolli et al., <i>Nucl. Med. Biol.</i> (1996) 23:927-933.
	10.	Herzog et al., <i>J. Nucl. Med.</i> (1992) 33:2190-2195.
	11.	Jurisson et al., <i>Chem. Rev.</i> (1993) 93:1137-1156.
	12.	Knapp et al., <i>Chemical Communications</i> (1973) March issue:149-151.
	13.	Pesson et al., <i>Chimie Therapeutique</i> (1966) 3:127-136.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

Docket Number 273012012010

Application Number 10/651,661

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Applicant

David H. DOLPHIN et al.

Filing Date August 29, 2003

Group Art Unit 1616

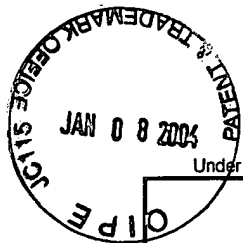
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/651,661
		Filing Date	August 29, 2003
		First Named Inventor	David DOLPHIN
		Art Unit	1616
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	6	Attorney Docket Number	273012012010

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages), Form PTO-1449 (2 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Emily C. Tongco - 46,473
Signature	
Date	January 5, 2004

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Dated: January 5, 2004

Signature: (Marian L. Christopher)